



KARNATAKA GOVT BARS CONVERSION OF SC/ST LANDS WITHOUT PRIOR PERMISSION

The Governor of Karnataka, vide circular bearing no. RD 144 LGX 2021 dated 29/09/2021 has promulgated new instructions to all deputy commissioners, assistant commissioners, tahsildars and regional commissioners in the state of Karnataka with respect to conversion of SC/ST lands.

BACKGROUND

The Hon'ble High Court of Karnataka in WP no. 60483/2014 vide its judgement dated 5/07/2021 has clearly stated that the mandate of Section 4(2) regarding prior permission for alienation would not apply in respect of converted/diverted lands.

The state Government purportedly has come to a conclusion that the said order will be used for unscrupulous individuals by taking undue advantage, converting SC/ST lands before getting it transferred to their names. This would intern deprive the backward communities such as SCs/STs of valuable property granted to them, and in turn defeat the very purpose of the PTCL Act.

CIRCULAR INSTRUCTION/DIRECTION

In light of the above apprehension, the Revenue department of State Government has now strictly directed all the **Deputy Commissioners and other competent officers not to pass conversion orders under Section 95 of the Karnataka Land Revenue Act in respect of SC/ST lands, unless the SC/ST grantees have obtained prior permission for such alienation/diversion from the competent authority.** The circular also makes it clear that the Deputy Commissioners will be held directly responsible in case of non-adherence to the above directions.

OUR COMMENT

The stance taken by the Karnataka State Government seems to be intended at circumventing the judgment of the Hon'ble High Court rather than complying with the same or challenging the same in appeal. As such the present circular suffers from legal infirmities and is likely to be challenged once again before the same Hon'ble High Court in the coming days.



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